

NOT TO BE PUBLISHED

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(Sacramento)

THE PEOPLE,  
  
Plaintiff and Respondent,  
  
v.  
  
TIMOTHY MICHAEL ST. PIERRE,  
  
Defendant and Appellant.

C062067  
  
(Super. Ct. No.  
07F03123)

This is an appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

A complaint filed on May 10, 2007, charged defendant Timothy Michael St. Pierre (sometimes spelled Stpierre in the record) with possessing and selling methamphetamine, and possessing drug paraphernalia. (Health & Saf. Code, §§ 11379, subd. (a); 11377, subd. (a); 11364.)

Evidence at the preliminary hearing showed that during a parole search, defendant was found in possession of methamphetamine and a methamphetamine pipe, his roommate told an officer defendant gave the roommate methamphetamine, and defendant admitted he had done so.

On May 1, 2007, defendant was arrested in a separate case for knowing receipt of stolen property, when a stolen laptop was found in his apartment (case no. 07F04412).

The People filed an amended information adding allegations that defendant had two prior convictions for possession for sale of narcotics, and had served a prior prison term. (Health & Saf. Code, §§ 11370.2, subd. (c), 11378; Pen. Code, § 667.5, subd. (b).)

On July 20, 2007, defendant entered into a plea bargain. He would plead no contest to furnishing methamphetamine. In exchange, he would receive a stipulated upper term of four years in prison, execution of sentence would be suspended, and he would be placed on formal probation, with conditions including a year in county jail. All other charges would be dropped, as well as the separate case (no. 07F04412), but the facts of that separate case could be used at sentencing. The factual basis for the plea was that on March 25, 2007, defendant "furnished .19 grams of methamphetamine to another." After ascertaining that the People had "Anticipated witness problems[,]" the court accepted the plea bargain.

On August 17, 2007, a four-year sentence was imposed, then suspended, and defendant was placed on probation.

On March 24, 2009, defendant agreed to admit violating his probation, "with a stipulation of 2 years' credit time served," or 730 days. This was apparently a compromise of a claim for credit for time defendant spent at a half-way house. Defendant admitted he failed to participate in drug counseling as ordered, and he admitted possessing drug paraphernalia. The trial court revoked probation, lifted the suspension of the previously-imposed prison sentence, and awarded defendant the stipulated 730 days of credit. The court imposed the minimum \$200 restitution fine, and a stayed \$200 parole revocation fine.

Defendant timely filed his notice of appeal, but the trial court denied his request for a certificate of probable cause. Defendant later filed an application in the trial court for additional credits, beyond the 730 days he had stipulated to, but that application was denied.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (See *Wende*, *supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an

examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

BLEASE, Acting P. J.

We concur:

SIMS, J.

HULL, J.